

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

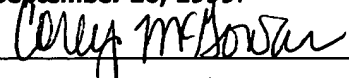


Title : Motor Operated Fast Food Service Window with Upwardly Focused Proximity Detectors  
Inventors : Jason T. Epps, Dan L. Terry and Jackson G. Weaver  
Serial No. : 09/004,803 § Examiner : Strimbu, G.  
Filed : Jan 9, 1998 § Phone : 703-305-3979  
Docket : MCES-0002-US § Art Unit : 3634

Assistant Commissioner for Patents  
BOX AF  
Washington, D.C. 20231

CERTIFICATE OF MAILING (37 C.F.R. 1.8)

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Box AF, Washington, DC 20231, on **September 10, 1999.**

  
Corey M. McGowan

**DECLARATION OF JAMES C. EPPS  
IN ACCORDANCE WITH 37 C.F.R. 1.132**

I, James C. Epps, declare that:

1. I am a citizen of Harris county, in the state of Texas in the United States of America, and I reside at 16001 Kevindale, Houston, Texas 77040.
2. I have read and understand the above-identified patent application, including the claims.
3. Since approximately 1985 I have been, and am currently, employed by M.C.E. Systems Corporation (hereinafter Applicant).
4. My current position is President and Chief Executive Officer.
5. My duties as President include determining industry needs for, among other devices, automatic fast food service windows and the company's development, marketing, sales and service of these products.
6. Over the past approximately 14 years, I have obtained a knowledge of the need for fast food service windows in the fast food service industry as would be expected of one of ordinary skill in the field of fast food service window supply.

Where's showing that art tried & failed to solve prob? There is no objective evidence that an art recognized prob existed in the art for a long period of time without solution

7. Based on approximately 14 years experience, a long felt but unsolved need in the fast food service window industry has been for an automatic service window that does not generate an excessive number of false opening or false closing operations during use.

Where's showing of this?

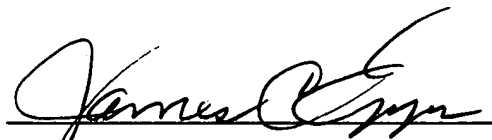
Prior fast food service windows using sensors focused downward or straight out have not successfully solved this long felt need.

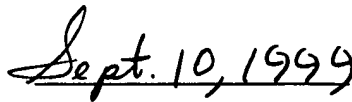
9. A fast food service window incorporating *upwardly focused proximity detectors* in accordance with the claimed invention solves this long felt but unsolved need (i.e., provides an automatic service window that does not generate an excessive number of false opening or closing operations).

10. One benefit of a service window in accordance with the invention is that service attendants have a far greater freedom of movement without generating false opening and closing operations than in prior art service windows.

undefined, no probative value

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

  
James C. Epps  
President, M.C.E. Systems, Inc.

  
Date